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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,184	03/09/2000	Henry Li	36941/CAG/B600	2290
23363	7590	11/19/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068				VINCENT, DAVID ROBERT
ART UNIT		PAPER NUMBER		
2661				

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/522,184	LI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David R Vincent	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 September 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-14,16-26 and 28-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-14,16-26 and 28-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 9/13/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

Art Unit: 2661

**Response to Amendment**

1. Applicant's arguments filed 9/13/04 have been fully considered but they are not persuasive.
2. Regarding the comments about IDS. In the last office action, IDS Nos. 5 and were considered initialed and mailed to the applicant.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 3-5,7, 16-18, 41, 14, 26, 28-30, 35-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Arimilli (US 6,515,984), as set forth in the previous office action.

**Response to Arguments**

In re pg. 15, the applicant argues Arimilli fails to disclose detecting whether the received signal is a modulated signal or a voiceband signal.

Art Unit: 2661

In response, Arimilli meets this limitation because the two signals get processed differently and can be received on the same card (402). If Arimilli could not detect whether the received signal is a modulated signal or a voiceband signal then the mux (300) could not process the signal properly. Arimilli does disclose detecting inputs or formats (Figs. 3-6C, col. 6, lines 55-59; col. 7, lines 47-53; col. 9, lines 59-67; col. 23, lines 40-64). Arimilli specifically discloses "...if the voice information was detected" (col. 9, lines 65-66), "...checks to see if there is a voice or facsimile packet to send" (col. 23, lines 45-46), and voice activity detection (col. 12, lines 4-11; col. 20, lines 10-25; 1205, Fig. 12; col. 15, line 49-col. 16, line 59). Therefore, the examiner maintains that Arimilli does disclose detecting whether the received signal is a modulated signal (e.g., col. 7, lines 1-3) or a voiceband signal (col. 7, lines 12-17), and receiving either/both analog voice and/or modulated fax data on the same voice/fax card (402, Fig. 6C; col. 9, lines 50-66).

In re pg. 15 the applicant argues Arimilli fails to disclose selectively outputting signals.

In response, if for no other reason, this limitation is met by outputting a multiplexed signal comprising both signals. At any instant in time (or during any time slot) the mux (300)

Art Unit: 2661

outputs only one signal. The various types of data being output by the mux are clearly separate, even if only by a time slot period (see e.g., selectively outputting both the demodulated fax data and the encoded voice data, at e.g., Figs. 2, 15-19; or col. 4, lines 30-46; outputting to digital leased lines, col. 5, lines 9-13; col. 6, lines 9-14; composite link, 315; muxing sporadic activity, col. 5, lines 40-51).

In re pg. 15, the applicant argues Arimilli discloses a synchronous packet network but fails to disclose a packet based network "because a packet based network, by definition, is asynchronous".

In response, by what/who's definition? Arimilli discloses both synchronous and asynchronous data (Figs. 5A-5D) and a synchronous packet network so therefore it is possible for a packet network to not be asynchronous. Furthermore, there is no mention of this limitation in the claims and the specification is not the measure of the invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art; see In re Sprock, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968). Arimilli discloses using packets (col. 5, lines 40-51); and using packet data networks (col. 9, lines 15-47, especially line 39; DDS network, Fig. 6B).

Art Unit: 2661

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 8-13, 19, 20-25, 31, 40, and 42-47, are rejected under 35 U.S.C. 103(a) as being unpatentable over Arimilli (US 6,515,984) as set forth above in view of Murphy (US 2002/0036791), as set forth in the previous office action, wherein it was noted that among other things Murphy teaches using IP (sections 29 and 38-39, 119).

***Claim Rejections - 35 USC § 103***

5. Claims, 31-34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Arimilli (US 6,515,984) as set forth above in view of Chen (US 6,611,531), as set forth in the previous office action, wherein it was noted that among other things, Chen teaches a digital data/packet network (Figs. 43, 45) where the DDN can be Frame Relay (Figs. 6, 10-12, 16, 18), ATM (Figs. 7, 13, 20).

Art Unit: 2661

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period; then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571 272 3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David R Vincent  
Primary Examiner  
Art Unit 2661

November 10, 2004